

Amendment dated: December 10, 2003

Application Serial No.: 09/321,743

Attorney Docket No. 23453-009

In Response to Office Action mailed September 11, 2003

### **REMARKS**

In response to the Office Action mailed **September 11, 2003** (Paper No. 17), no claims have been cancelled, amended, or newly added. Therefore, claims 1-24 are pending. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

#### ***Rejections Under 35 U.S.C. §103***

Claims 1-4, 6-8, 10-13, 15-20, & 22-23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,567,796 to Yost *et al.* ("Yost"). See Paper No. 17, pg. 2, ¶4. Claims 5, 9, 14, & 21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yost in view of U.S. Patent No. 6,301,590 to Siow *et al.* ("Siow"). See Paper No. 17, pg. 4, ¶5. Claim 24 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yost in view of U.S. Patent No. 6,201,948 to Cook *et al.* ("Cook"). See Paper No. 17, pg. 5, ¶6.

Applicants traverse for at least the reason that Yost does not qualify as prior art under the common assignee exception as set forth in 35 U.S.C. § 103(c). 35 U.S.C. § 103(c) recites:

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

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Accordingly, Applicants contend that the Examiner's rejection is improper because, at the time the claimed invention disclosed in this patent application was made, both Yost and the claimed invention were assigned (or subject to an obligation of assignment) to Microstrategy, Inc. As such, withdrawal of this rejection is earnestly sought.

### CONCLUSION


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: December 10, 2003

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